

Notice of Allowability

Application No.

09/942,678

Examiner

Nikolas J. Uhler

Applicant(s)

YAMAGUCHI ET AL.

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1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/02/2004.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 31 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie Seaman on 4/12/2004.

The application has been amended as follows:

Claim 1, line 5: "0.375 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 2, line 6: "0.3 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 5, line 17: "0.375 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 6, line 20: "0.3 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 9, line 5: "0.375 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 10, line 5: "0.375 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 11, line 18: "0.375 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Claim 12: line 18: "0.375 to 0.7" has been deleted and -- 0.37 to 0.7 -- has been inserted therefor.

Rejoinder of Withdrawn Claims

2. Claims 1, 5, and 9-12 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 2-4, and 6-8, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Process claims 2-4 and 6-8 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The closest prior art to that of the instant invention is US6120918 to Osaka et al. Osaka teaches a CoFeNi film that meets the compositional requirements and is made by a similar method claimed by the instant invention. However, Osaka fails to teach the claimed lb/lf ratio.

4. First, there is no teaching in the prior art that would motivate one of ordinary skill in the art to control the lb/lf ratio of a CoFeNi film to a particular value. Second, the lb/lf ratio is not necessarily met by Osaka, though Osaka does teach a CoFeNi alloy meeting the claimed composition that is formed via a very similar method as that of the instant invention. This is clearly evidenced by examples 14, 16, 19-20 and 23 in Table 5 of the instant specification, which conclusively show that alloys meeting the claimed

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composition and formed by the claimed method do not necessarily meet the claimed lb/lf ratio.


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolas J. Uhler whose telephone number is 571-272-1517. The examiner can normally be reached on Mon-Fri 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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